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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,823

07/02/2003

Daniel W. Mauney

27592-00162-US3

3919

30678

7590

02/22/2008

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,823

Applicant(s)

MAUNEY ET AL.

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Disposition of the claims

- I. The current office-action is in response to the amendments/remarks filed on 11/19/2007. Accordingly, Claims 1-39 are imminent for further assessment as follows:

Specification

- II. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding claims 1, 14, 23, 32, 35, the limitation, “wherein the wireless communication device is addressable by a **peer** device associated with the wireless network using a **second** identification number.”

Claim Rejections - 35 USC § 103

- III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 14, 23, 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ma et al.** (US 5995500) in view of **Grube et al.** (US 5666661).

As per claim 1, **Ma** teaches:

A wireless communication device (Abstract), the wireless communication device comprising:

A transmitter for transmitting a transmission signal via a wireless network; a receiver for receiving an inbound signal via the wireless network; (Col.5; 49-Col.6; 6) and

Wherein the wireless communication device is addressable by a public switch telephone network (PSTN; Fig.1, Col.5; 23-33) coupled to the wireless network using a first identification number (e.g. Col.6; 40-64) and

Ma doesn't teach specifically, wherein the wireless communication device is addressable by a peer device associated with the wireless network using a second identification number. However, **Grube** teaches in an analogous art, that wherein the wireless communication device is addressable by a peer device associated with the wireless network using a second identification number. (e.g. group call; Col.2; 44-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Ma** including wherein the wireless

communication device is addressable by a peer device associated with the wireless network using a second identification number in order to provide an automatic method of changing communication modes from a communication system supported mode to a direct mode of communication.

As per claim 14, **Ma** teaches:

A method of communication using a wireless communication device via a wireless network, (Abstract), the method comprising:

Establishing a first communication path with a wireless network and with a public switch telephone network coupled to the wireless network in response to receiving a first signal including a mobile identification number associated with the public switch telephone network and uniquely associated with the wireless communication device; (e.g. PSTN; Fig.1, Col.5; 23-33, Col.6; 40-64) and

Ma doesn't teach specifically, establishing a second communication path via the wireless network in response to receiving a second signal including a wireless network identification number independent from the public switch telephone network and uniquely associated with the wireless communication device. However, **Grube** teaches in an analogous art, that establishing a second communication path via the wireless network in response to receiving a second signal including a wireless network identification number independent from the public switch telephone network and uniquely associated with the wireless communication device. (e.g. group call; Col.2; 44-67).

As per claim 23, **Ma** teaches:

A wireless communication device comprising: a transmitter; a receiver; and communication circuitry coupled to the transmitter and coupled to the receiver, (Abstract),

The communication circuitry configured to establish a first communication path with a wireless network and with a public switch telephone network coupled to the wireless network in response to receiving a first signal including a mobile identification number associated with the public switch telephone network and uniquely associated with the wireless communication device, (e.g. PSTN; Fig.1, Col.5; 23-33, Col.6; 40-64)

Ma doesn't teach specifically, the communication circuitry configured to establish a second communication path via the wireless network in response to receiving a second signal including a wireless network identification number independent from the public switch telephone network and uniquely associated with the wireless communication device. However, **Grube** teaches in an analogous art, that the communication circuitry configured to establish a second communication path via the wireless network in response to receiving a second signal including a wireless network identification number independent from the public switch telephone network and uniquely associated with the wireless communication device. (e.g. group call; Col.2; 44-67).

As per claim 32, **Ma** teaches:

The wireless telephone handset (Abstract), comprising:

Communication circuitry configured to communicate with a wireless network, the wireless network coupled to a network; The memory including a mobile identification number

associated with a public switch telephone number and a wireless network number not associated with the public switch telephone number (e.g. PSTN; Fig.1, Col.5; 23-33, Col.6; 40-64) and

Ma doesn't teach specifically wherein the communication circuitry is addressable using the public switch telephone number and the communication circuitry is uniquely addressable using the wireless network. However, **Grube** teaches in an analogous art, that A wherein the communication circuitry is addressable using the public switch telephone number and the communication circuitry is uniquely addressable using the wireless network. (e.g. group call; Col.2; 44-67).

Claims 2-13, 15-22, 24-31, 33-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ma & Grube** further in view of **Mahany et al.** (US 5949776).

As per claims 2, 16, 20, 25, 29, 37, the above combination teaches all the particulars of the claim except memory including a list of peer devices, the list of peer devices comprising peer identification numbers for addressing peer devices associated with the wireless network.

However, **Mahany** teaches in an analogous art, that the wireless communication device of claims 1, 15, 19, 24, 28, 35, further comprising memory including a list of peer devices, the list of peer devices comprising peer identification numbers for addressing peer devices associated with the wireless network. (43-45; Fig.1b; Col.11; 49-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including memory including a list of peer devices, the list of peer devices comprising peer

identification numbers for addressing peer devices associated with the wireless network in order to provide for efficient communication between portable computer devices and peripherals.

As per claim 3, The above combination teaches all the particulars of the claim except wherein the receiver is configured to receive a list data signal from the peer device, the list data signal including a list of wireless devices associated with the wireless network. However, **Mahany** teaches in an analogous art, that the wireless communication device of claim 2, wherein the receiver is configured to receive a list data signal from the peer device, the list data signal including a list of wireless devices associated with the wireless network. (43-45; Fig.1b; Col.11; 49-67).

As per claims 4, 15, 24, 36, The above combination teaches all the particulars of the claim the receiver is configured to use a low power connection. However, **Mahany** teaches in an analogous art, that the wireless communication device of claims 3, 15, 23, 35, wherein the receiver is configured to use a low power connection. [Col.48; 47-59]

As per claim 5, The above combination teaches all the particulars of the claim except wherein the receiver is configured to receive data from a peer device when addressed using the second identification number. However, **Mahany** teaches in an analogous art, that the wireless communication device of claim 1, wherein the receiver is configured to receive data from a peer device when addressed using the second identification number. (43-45; Fig.1b; Col.11; 49-67).

As per claim 6, The above combination teaches all the particulars of the claim except wherein the data includes a second identification number of the peer device and the transmitter is selectively configured to transmit a signal when the second identification number of the peer device is included in a list of authorized peer devices. However, **Mahany** teaches in an analogous art, that the wireless communication device of claim 5, wherein the data includes a second identification number of the peer device and the transmitter is selectively configured to transmit a signal when the second identification number of the peer device is included in a list of authorized peer devices. (43-45; Fig.1b; Col.11; 49-67).

As per claims 7, 18, 27, **Ma** teaches the wireless communication device of claims 5, 14, 23, wherein the data comprises text data. [Col.6; 40-64]

As per claims 8, 17, 26, **Ma** teaches:

The wireless communication device of claims 5, 14, 23, wherein the data comprises voice data. (Col.6; 40-64).

As per claims 9, 19, 28, 34, **Ma** teaches all the particulars of the claim except wherein the transmitter is configured to transmit a find signal, the find signal including a second identification number of a peer device associated with the wireless network. However, **Grube** teaches in an analogous art, that the wireless communication device of claims 1, 14, 23, 33, wherein the transmitter is configured to transmit a find signal, the find signal including a second identification number of a peer device associated with the wireless network. (group call; Col.2;

44-67).

As per claim 10, **Ma** teaches:

The wireless communication device of claim 1, wherein the peer device is a handset. (14; Fig.1).

As per claims 11, 38, The above combination teaches all the particulars of the claim except memory wherein the inbound signal is a direct signal from the peer device. However, **Mahany** teaches in an analogous art, that the wireless communication device of claims 1, 35, wherein the inbound signal is a direct signal from the peer device. (43-45; Fig.1b; Col.11; 49-67).

As per claims 12, 21-22, 30-31, 33, 39, **Ma** teaches:

The wireless communication device from claims 1, 14, 23, 32, 35, wherein the inbound signal is a signal from the peer device communicated via a mobile switching center. (12; Fig.1).

As per claim 13, The above combination teaches all the particulars of the claim except wherein the receiver is configured to receive a registry signal via a registry channel, the registry signal including a second identification number of the peer device. However, **Mahany** teaches in an analogous art, that the wireless communication device of claim 1, wherein the receiver is configured to receive a registry signal via a registry channel, the registry signal including a second identification number of the peer device. (43-45; Fig.1b; Col.11; 49-67).

As per claim 35, **Ma** teaches:

A wireless communication device (Abstract), the wireless communication device comprising:

A transmitter for transmitting a transmission signal via a wireless network; a receiver for receiving an inbound signal via the wireless network; (Col.5; 49-Col.6; 6) and

Wherein the wireless communication device is addressable by a public switch telephone network (PSTN; Fig.1, Col.5; 23-33) coupled to the wireless network using a first identification number (e.g. Col.6; 40-64) and

Ma doesn't teach specifically, wherein the wireless communication device is addressable by a peer device associated with the wireless network using a second identification number.

However, **Grube** teaches in an analogous art, that wherein the wireless communication device is addressable by a peer device associated with the wireless network using a second identification number. (e.g. group call; Col.2; 44-67).

The above combination doesn't teach specifically, memory including a list of peer devices, the list of peer devices comprising peer identification numbers for addressing peer devices associated with the wireless network; and wherein the receiver is configured to receive a list data signal from the peer device, the list data signal including the list of peer devices associated with the wireless network. However, **Mahany** teaches in an analogous art, that memory including a list of peer devices, the list of peer devices comprising peer identification numbers for addressing peer devices associated with the wireless network; and wherein the receiver is configured to receive a list data signal from the peer device, the list data signal

including the list of peer devices associated with the wireless network. (43-45; Fig.1b; Col.11; 49-67).

Response to Amendments & Remarks

IV. Applicant's arguments with respect to claims 1-39 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Sharad Rampuria/
Patent Examiner
Art Unit 2617